

REMARKS

Claims 73-76 and 78-87 are pending in this application. Claim 73 has been amended. Claim 77 has been canceled and its subject matter has been incorporated in amended independent claim 73. No new matter has been introduced.

Claims 73-76 and 79-81 stand rejected under 35 U.S.C. § 101 as claiming the same invention as claims 1-4 and 6-13 of U.S. Patent No. 6,750,069. This rejection is respectfully traversed. Applicants submit that independent claim 73 has been amended to recite a "magnetic random access memory structure" comprising *inter alia* "a plurality of longitudinally extending conductive bit lines . . . spaced apart from each other by a distance of less than about 0.1 μ m" and "a barrier layer formed between said bit lines and said insulating layer, said barrier layer having a thickness of about 50 Angstroms to about 100 Angstroms." Applicants also submit that the subject matter of claims 1-4 and 6-13 of U.S. Patent No. 6,750,069 is not identical to that of claims 73-76 and 79-81 of the claimed invention. For at least these reasons, withdrawal of the statutory-type double patenting rejection of claims 73-76 and 79-81 is respectfully requested.

Claims 78 and 82-87 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 14-19 of U.S. Patent No. 6,750,069. Applicants' undersigned representatives file herewith a Terminal Disclaimer in response to this rejection.

Application No.: 10/823,553
Reply to Office Action dated September 10, 2004

Docket No.: M4065.0357/P357-B

Allowance of claims 73-76 and 78-87 is solicited.

Dated: November 23, 2004

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No.: 28,371

Gabriela I. Coman

Registration No.: 50,515

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicants